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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,351	06/28/2001	Mark Thomas Dawson		2176

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10750 Oregon Ave
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EXAMINER

AHMED, SAMIR ANWAR

ART UNIT	PAPER NUMBER
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2624

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/892,351

Applicant(s)

DAWSON, MARK THOMAS

Examiner

Samir A. Ahmed

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 53-85 is/are pending in the application.
- 4a) Of the above claim(s) 59-79 and 81-85 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 53-58 and 80 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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1. Applicant's election of species I (claims 53-58 and 80) in the reply filed on 12/26/2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 57 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 57, recites on lines 1-2 "where luminosity compression is applied to said image pair to the nth degree". While the specification as originally filed recites "luminosity compression". The specification as originally filed nowhere discloses that luminosity compression is applied to the image pair to the nth degree and how to perform it.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 53-58 and 80 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. Claim 53 recites the limitation "the processes of" in line 1. There is insufficient antecedent basis for this limitation in the claim.
7. Regarding claim 53, the phrase "may be" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claim 53, it is not clear what "from within color channel allocations effected below" means or what it refers to?

Regarding claim 58, it is not clear whether "images, being anaglyphic record" or "the method of claim 53 wherein images being anaglyphic record produced" is claimed? The Examiner suggests to amend the claim to make it clear that the method of claim 53 wherein images being anaglyphic record produced, because claiming the images produced is non-statutory subject matter and would be rejected under 35 U.S.C. 101.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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9. Claims 53-55, 58, and 80 are rejected under 35 U.S.C. 102(b) as being anticipated by McLaine et al. (U S Patent 6,037,971).

As to claim 53 [As best understood by the Examiner], McLaine discloses anaglyphic production method for anaglyphic record where the processes of selective color treatment and color channel allocation may be effected to each image of an image pair in a single sweep, including steps of,

- a. isolating or synchronizing images to achieve an image pair that consists of a first image or images and a second image or images [two related images (pair) captured by two separate left and right cameras (Fig. 4, col. 7, lines 9-15),
- b. effecting selective color treatments to contrasts of color records within said image pair to enable perception of an anaglyphically viewed contrast balance between the said image pair from within color channel allocations effected below [the level of intensity (contrast) of the red color is examined to determine the percentage of color values fall at the upper (maximum) and lower (minimum) ends of the red color value and adjust it (col. 7, lines 37-col. 8, line16) ,
- c. allocating a first anaglyphic color channel to said first image or images [Fig. 4, a red color channel (first anaglyphic color channel) is allocated by the color separator to the first image from the first camera]] and allocating second and third anaglyphic color channels to said second image or images resulting in spectrally opposed anaglyphic color channels [[Fig. 4, a green and blue color channels (second and third anaglyphic color channels) are allocated by the color separator to the second image from the second camera), R,G,B, are spectrally opposed color channels].

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d. blending the said image pair as a single anaglyphic image [Fig.4, color plane combiner combines the red image plane with the blue-green image planes to create a single 3D anaglyphic representation (col. 5, lines 9-13, col. 7, lines 17-24).

As to claim 54, McLaine further discloses, where contrast or brightness of the anaglyphic image is optimised (col. 7, line 54-col. 8, line 16).

As to claim 55, McLaine further discloses, where said selective color treatments are applied either to individual color records or to the entire color records of said image pair to the nth degree col. 8, lines 4-17).

As to claim 55, McLaine further discloses anaglyphic record producing images (col. 4, lines 19-23).

Claim 80 is an apparatus analogous to claim 53 method and arguments applied to claim 53 are applicable to claim 80.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 57 is rejected under 35 U.S.C. 103(a) as being unpatentable over McLaine et al. (U S Patent 6,037,971) as applied to claim 53 above, and further in view of Swift et al. (U S 2005/0078108).

As to claim 57 [As best understood by the Examiner], McLaine is selectively optimizing the color value of color records (red and/or green) in the pair of images (Col. 4, lines 14-23). The color value is a color intensity (overall brightness of the color) optimized to the nth degree (col. 6, lines 37-41, col. 8, lines 4-17). McLaine does not disclose where luminosity compression is applied to said image pair to the nth degree.

Swift discloses an anaglyph method include independent compression of the left and right images which provides better quality display output of the anaglyphic image by providing less compression artifacts and reduces crosstalk when compared to anaglyphic storage techniques [0030, and 0060]. It would have been obvious to one with ordinary skill in the art at the time the invention was made to use Swift's teachings to modify McLaine's method by compressing the image pair in order to provide better quality display output of the anaglyphic image by providing less compression artifacts and reduces crosstalk when compared to anaglyphic storage techniques [0030, and 0060]. The combined method of McLaine and Swift compresses the brightness (luminosity) of the color to the nth degree because McLaine as disclosed above corrects the brightness of the color to the nth degree to provide quality image.

12. Claim 56 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

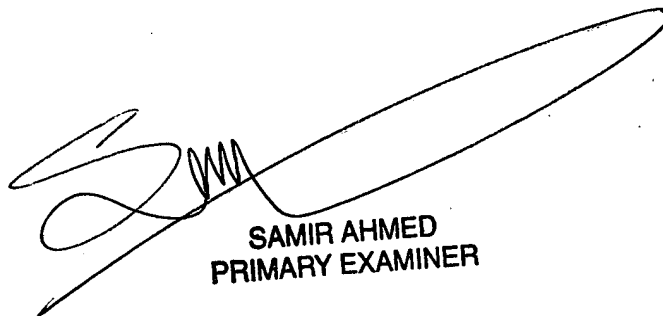
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samir A. Ahmed whose telephone number is (571) 272-7413. The examiner can normally be reached on Mon-Fri 8:30am-6:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SA



**SAMIR AHMED
PRIMARY EXAMINER**